

Amendments to the Claims

In response to the Official Action and in accordance with 37 CFR 1.121(c), please enter the following rewritten claims.

1. *(Currently Amended)* A method of aligning a video work with an audio work, wherein said audio and video works are configurable to be played in concert with each other, comprising the steps of:
 - a. automatically selecting a plurality of audio markers in said audio work, each of said selected audio markers having an audio time of occurrence associated therewith;
 - b. identifying at least one video marker within said video work, each of said identified video markers having a video time of occurrence associated therewith;
 - c. selecting one of said identified video markers and said video time of occurrence associated therewith;
 - d. selecting a video transition effect to apply at said selected video marker;
 - e. automatically selecting one of said plurality of audio markers, wherein said time of occurrence of said selected audio marker is proximate to said video time of occurrence of said selected video marker;
 - f. automatically synchronizing said video transition effect with said selected audio marker by ~~at least~~ only adjusting a time duration of said video transition;
 - g. applying said synchronized video transition effect to said video work proximate to said video marker, thereby creating an aligned video work; and,
 - h. storing said aligned video work on a computer readable medium.

2. *(Previously presented)* A method of aligning a video work with an audio work according to Claim 1, wherein step (a) comprises the steps of:

- (a1) selecting at least one audio criterion, wherein each of said selected at least one audio criterion at least comprises a rule for identifying change points within said audio work,
- (a2) using at least one of said selected audio criteria to identify at least two change points within said audio work,
- (a3) selecting a plurality of said at least two identified change points, thereby identifying a plurality of audio markers within said audio work.

3. *(Previously presented)* A method of aligning a video work with an audio work according to Claim 1, wherein step (a) comprises the steps of:

- (a1) selecting a plurality of audio criteria, wherein each of said selected audio criteria at least comprises a rule for identifying change points within said audio work,
- (a2) assigning a priority to each of said selected audio criteria,
- (a3) selecting a highest priority audio criterion from among said plurality of audio criteria,
- (a4) using said selected audio criterion to identify at least two change points within said audio work,
- (a5) selecting a plurality of identified change points, thereby identifying a plurality of audio markers within said audio work.

4. *(Previously presented)* A method of aligning a video work with an audio work according to Claim 1, wherein step (e) comprises the steps of:
- (e1) choosing one of said plurality of audio markers, wherein said time of occurrence of said selected audio marker is proximate to said video time of occurrence of said video marker,
 - (e2) determining from a provided criterion for determining whether an audio marker is suitable for use with a selected video marker whether said chosen audio marker is suitable for use with said selected video marker,
 - (e3) if said chosen audio marker is determined to be suitable for use with said selected video marker, selecting said chosen marker,
 - (e4) if said chosen audio marker is determined not to be suitable for use with said selected video marker according to said criterion, performing step (e1) through (e3) until either one of said chosen audio markers is found to be suitable or until all of said plurality of audio markers have been chosen, and,
 - (e5) if after performing step (e1) through (e4) none of said plurality of audio markers is suitable for use with said selected video marker, taking no further action with respect to the selected video marker.
5. *(Original)* A method of aligning a video work with an audio work according to Claim 1, comprising the further steps of:
- (i) reading said stored aligned video work from said computer readable media; and,
 - (j) playing said aligned video work on a display device.

6. *(Original)* A method of aligning a video work with an audio work according to Claim 1, wherein said computer readable medium is selected from the group consisting of computer RAM, non-volatile RAM, magnetic disk, a RAM card, optical disk, magneto-optical disk, and a floppy disk.

Claims 7 and 8 *(Canceled)*

9. *(Currently Amended)* A method of aligning a video work with an audio work, wherein said audio and video works are configurable to be played in concert, comprising the steps of:
- a. determining a plurality of audio markers in said audio work;
 - b. automatically identifying at least one video marker within said video work, wherein said at least one video marker corresponds to a discontinuity in said video work;
 - c. selecting one of said identified video markers;
 - d. selecting a video transition effect to apply at said selected video marker, said selected video transition effect having at least one transition effect parameter associated therewith;
 - e. selecting one of said plurality of audio markers, said selected audio marker being proximate in time to said selected video marker;
 - f. synchronizing said video transition effect with said selected audio marker by modifying at least one of said selected transition effect parameters;

- g. applying said synchronized video transition effect to said video work proximate to said selected video marker according to said modified transition effect parameter; and,
 - h. playing in concert said aligned video work and said audio work, thereby creating an aligned multimedia work.
10. *(Original)* A method of aligning a video work with an audio work according to Claim 9, further comprising the step of:
- i. writing said aligned video work and said audio work to a computer readable medium.
11. *(Original)* A method of aligning a video work with an audio work according to Claim 10, wherein said computer readable medium is selected from a group consisting of computer RAM, non-volatile RAM, magnetic disk, a RAM card, optical disk, magneto-optical disk, and a floppy disk.
12. *(Previously presented)* A method of aligning a video work with an audio work according to Claim 9, step (a) comprises the steps of:
- (a1) selecting at least one audio criterion, wherein each of said at least one selected audio criterion at least comprises a rule for identifying change points within said audio work,
 - (a2) using at least one of said selected audio criteria to identify at least two change points within said audio work,

- (a3) selecting a plurality of said at least two identified change points, thereby identifying a plurality of audio markers within said audio work.

13. *(Previously presented)* A method of aligning a video work with an audio work according to Claim 9, wherein step (a) comprises the steps of:

- (a1) selecting a plurality of audio criteria, wherein each of said selected audio criteria at least comprises a rule for identifying change points within said audio work,
- (a2) assigning a priority to each of said selected audio criteria,
- (a3) selecting a highest priority audio criterion from among said plurality of audio criteria,
- (a4) using said selected audio criterion to identify at least two change points within said audio work,
- (a5) selecting a plurality of identified change points, thereby identifying a plurality of audio markers within said audio work.

14. *(Previously presented)* A method of aligning a video work with an audio work according to Claim 9, wherein step (e) comprises the steps of:

- (e1) choosing one of said plurality of audio markers, wherein said time of occurrence of said selected audio marker is proximate to said video time of occurrence of said video marker,

- (e2) determining from a provided criterion for determining whether an audio marker is suitable for use with an selected video marker whether said chosen audio marker is suitable for use with said selected video marker,
- (e3) if said chosen audio marker is determined to be suitable for use with said selected video marker, selecting said chosen marker,
- (e4) if said chosen audio marker is determined not to be suitable for use with said selected video marker according to said criterion, performing step (e1) through (e3) until either one of said chosen audio markers is found to be suitable or until all of said plurality of audio markers have been chosen, and,
- (e5) if after performing step (e1) through (e4) none of said plurality of audio markers is suitable for use with said selected video marker, taking no further action with respect to the selected video marker.

15. *(Currently Amended)* A method according to Claim 9, wherein step (d) comprises the steps of:

- (d1) selecting a video transition effect to apply at said selected video marker, said selected video transition effect having at least one transition effect parameter associated therewith, wherein said at least one transition effect parameter comprises a transition starting time and a transition ending time,

and wherein step (f) comprises the step of:

- (f1) synchronizing said video transition effect with said selected audio marker by modifying at least one of said transition starting time and said transition ending time.

16. *(Canceled)*
17. *(Currently Amended)* A method according to Claim ~~16~~ 9, wherein said video transition effect is selected from a group consisting of a wipe, a fade, a cross fade, a zoom in, a zoom out, a push, an overlap, and an iris dilation.
18. *(New)* A method of aligning a video work with an audio work, wherein said audio and video works are configurable to be played in concert with each other, comprising the steps of:
- a. automatically selecting a plurality of first audio markers in said audio work according to a first criterion, each of said selected audio markers having a first audio time of occurrence associated therewith;
 - b. automatically selecting a plurality of second audio markers in said audio work according to a second criterion, each of said selected second audio markers having a second audio time of occurrence associated therewith;
 - c. determining a priority of use of said first and second audio markers;
 - d. identifying at least one video marker within said video work, each of said identified video markers having a video time of occurrence associated therewith;
 - e. selecting from among said first audio markers at least one first audio candidate marker, each of said selected first audio candidate marker having a time of occurrence proximate to said video time of occurrence;

- f. selecting from among said second audio markers at least one second audio candidate marker, each of said selected first audio candidate marker having a time of occurrence proximate to said video time of occurrence;
- g. selecting one of said at least one first and at least one second candidate markers according to said determined priority;
- h. automatically synchronizing said video transition effect with said selected candidate audio marker by at least adjusting a time duration of said video transition;
- g. applying said synchronized video transition effect to said video work proximate to said video marker, thereby creating an aligned video work; and,
- h. storing said aligned video work on a computer readable medium.

19. (New) A method of aligning a video work with an audio work, wherein said audio and said video works are configurable to be played in concert with each other, wherein a plurality of marker selection criteria are provided, comprising the steps of:

- a. selecting one of said marker selection criteria;
- b. using said selected marker selection criteria to select a plurality of audio markers in said audio work, each of said selected audio markers having an audio time of occurrence associated therewith;
- c. performing steps (a) and (b) for at least two different marker selection criteria, thereby producing a plurality of audio markers for each of said selected marker selection criteria;
- d. determining a priority of use of said selected marker selection criteria;

- e. identifying a video marker within said video work, said identified video marker having a video time of occurrence associated therewith;
- f. selecting from among said audio markers associated with said selected marker selection criteria a plurality of candidate audio markers, each of said candidate audio markers being associated with one of said selected marker selection criteria and having a candidate time of occurrence proximate to said video marker time of occurrence;
- g. selecting one of said candidate audio markers according to said priority of use of said selected marker selection criteria;
- h. automatically synchronizing a video transition effect with said selected candidate audio marker by at least adjusting a time duration of said video transition;
- i. applying said synchronized video transition effect to said video work proximate to said video marker, thereby creating an aligned video work;
- j. performing at least steps (e) through (i) at least twice for at least two different identified video markers; and,
- h. storing said aligned video work on a computer readable medium.

20. (New) A method of aligning a video work with an audio work according to Claim **19**, wherein step (c) comprises the step of:

- (c1) performing steps (a) and (b) for two different marker selection criteria, thereby producing a plurality of audio markers for each of said selected marker selection criteria.